

REMARKS

The claims were rejected under §112, first paragraph. Reconsideration and withdrawal of the rejection are respectfully requested.

Initially, it is noted that the Official Action incorrectly quotes from claim 10. The programming means modifies the numerical value in accordance with previously unavailable functions that have been made available by being purchased and activated in the programmable device, not the "programming" device. Please verify that this error did not affect the rejection. Further, the Official Action incorrectly indicates that claim 5 is dependent from claim 10. Claim 5 is independent.

Claim 10 is directed to an embodiment of the invention with reading means that includes a programmable memory having a numerical value stored therein, where the reading means receives an information carrier, and programming means for modifying the numerical value in accordance with previously unavailable functions that have been made available by being purchased and activated in the programmable device.

The Official Action indicates that the application is not enabling because it fails to show detailed functionality of the programmable device that teaches how to build such a device where different amounts are debited for different functions, or how the functions are selected and activated, or how the

numerical value on the information carrier is modified in accordance with the functions purchased and activated.

MPEP §2164 discusses enablement. As noted therein, the question to be resolved is whether the experimentation needed to practice the invention is undue or unreasonable. The factors to be considered are the breadth of the claims, the nature of the invention, the state of the art, the level of one of ordinary skill, the level of predictability in the art, the amount of direction provided by the inventor, the existence of working examples, and the quantity of experimentation needed to make or use the invention based on the content of the disclosure.

It is not believed that the experimentation necessary to practice the invention is undue or unreasonable. The level of one of ordinary skill, the level of predictability in the art, the amount of direction provided by the inventor, and the working examples in the specification support this assertion.

One of ordinary skill in this art knows that implementing the invention described therein involves breaking down the invention into its various components. This is a common engineering approach. When the invention is considered in this manner, the task of carrying out the invention becomes routine engineering that is achievable by one of ordinary skill in the art. Each of the components is known or easily obtainable, and their combination is within the skill of the artisan. Flow

charts and the like are used to map the steps to be taken. It is not necessary to tell the artisan how to program a device with different functions so that a value is attributed to each function, how to activate a function, or how to subtract the attributed value from a stored value. When considered individually, these operations are probably trivial for one of skill in this art. In comparison, consider the sophistication of an automated teller machine that includes and coordinates various functions akin to those claimed herein and the level of the artisan familiar with such devices.

The programming art is predictable because a program is a "machine" that does exactly what it is told. Further, one of skill in the art can use known programs related to the various components discussed above and the like when carrying out the invention.

The inventor has provided ample direction for implementing the invention. Pages 6-7 and page 2, second paragraph, describe how the functions may be activated and describe how a card may be debited when a function is activated. Moreover, reference is made to page 5, line 28 where payment or charging in return to the functions activated is mentioned. Page 6, line 10 states that the information carrier is capable of containing a numerical value. Page 6, line 18 ff. the "credit amount" on the card is again mentioned together with the

mechanism of charging this amount dependent on the functions being activated (price information being stored on the information carrier as well) and the mechanism of recharging. The last sentence of the description (page 7/8) describes the relationship between (de)activating functions and debiting the card accordingly. Charging or debiting the card is of course nothing else than decreasing a value in the card's memory, whereas loading or crediting the card is a process of increasing said value.

Concerning claims 3 and 5, it is submitted that a skilled person very well knows the construction of an automatic paying machine or timer respectively, whereas the present description provides sufficient information to modify the respective prior art arrangement in order to take advantage of the present invention. In this respect, please refer to page 6, last two paragraphs.

Applicant agrees with the statement in the Official Action (page 4) that the cited pages "describe connection (coupling) of the programmable device, programming means and the electronically readable information carrier." Indeed, this statement supports applicant's position that one of skill in the art would be able to practice the invention. The further comment in this paragraph that there is "only incidental recitation" of the modification of the numerical value is not understood. The

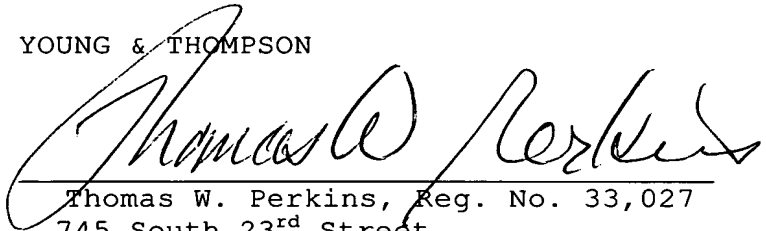
subtraction (or other modification) of a numerical value is a basic mathematical exercise that requires no further explanation.

The claims were rejected under §112, second paragraph, and have been amended as to form, bearing in mind the criticisms in the Official Action. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in cursive script, reading "Thomas W. Perkins". The signature is written in dark ink and is positioned above a horizontal line that separates it from the printed contact information below.

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